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February 26, 1998

BY FEDERAL EXPRESS

Secretary
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

Re: Petition of Bell Atlantic Corporation for Relief from Barriers to deployment
Of Advanced Telecommunications Services
Docket No. 98-11

Dear Madam or Sir:

Enclosed please find an original and 12 copies of the Comments of Global NAPs, Inc. on the
above-named Petition.

Sincerely,

William J. Rooney Jr / WJR

William J. Rooney, Jr.

cc: Ms. Janice M. Myles, FCC
International Transcription Services, Inc.
Mr. Frank T. Gangi

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February 26, 1998

Ms. Janice M. Myles
Common Carrier Bureau
Federal Communications Commission
Room 544
1919 M Street N.W.
Washington, D.C. 20554

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Re: Petition of Bell Atlantic Corporation for Relief from Barriers to deployment
Of Advanced Telecommunications Services
Docket No. 98-11

Dear Ms. Myles:

Enclosed please one copy of the Comments of Global NAPs, Inc. on the above-named Petition.
The original and 12 copies were sent by Federal Express today to the FCC Secretary.

Sincerely,

William J. Rooney Jr/UDL

William J. Rooney, Jr.

enc.

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WILLIAM J. ROONEY, JR.
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TEL. (617) 350-0100
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February 26, 1998

International Transcription Services, Inc.
1231 20th Street N.W.
Washington, D.C. 20036

Re: Petition of Bell Atlantic Corporation for Relief from Barriers to deployment
Of Advanced Telecommunications Services
Docket No. 98-11

Dear Sir or Madam:

Enclosed please one copy of the Comments of Global NAPs, Inc. on the above-named Petition.
The original and 12 copies were sent by Federal Express today to the FCC Secretary, and an additional
copy was sent to Ms. Janice Myles at the FCC Common Carrier Bureau.

Sincerely,



William J. Rooney, Jr.

enc.

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FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

DOCKET FILE COPY ORIGINAL

Petition of Bell Atlantic Corporation for
Relief from Barriers to deployment of
Advanced Telecommunications Services

Docket No. 98-11

COMMENTS OF GLOBAL NAPS, INC.

I. INTRODUCTION

On January 26, 1998, Bell Atlantic Corporation ("BA") filed a Petition for Relief from Barriers to deployment of Advanced Telecommunications Services. The Commission set a deadline for comments by March 2, 1998. Global NAPS, Inc. ("GNAPS") is a local exchange carrier in competition with BA. GNAPS submits the following comments.

II. GNAPS DOES NOT OPPOSE BELL ATLANTIC'S REQUEST TO PROVIDE HIGH SPEED BROADBAND SERVICES WITHOUT REGARD TO PRESENT LATA BOUNDARIES

BA's petition must be considered in light of the ongoing dispute between BA and competitive local exchange carriers ("CLECs") regarding whether information service traffic may be treated differently than other local traffic. This is presently being considered by the F.C.C. On June 20, 1997, the Association for Local Telecommunications Services ("ALTS") filed a request to clarify whether ISP traffic is entitled to mutual compensation treatment. For the reasons set forth below, it is GNAPS' position that information service traffic should not be treated differently than other local traffic. BA should be permitted to provide high speed broadband services without regard to present LATA boundaries and this should be treated in the same manner as all other unbundled network elements with mandatory access by competitors on a

discounted wholesale basis. If competitors are not permitted access, BA will be in a position to obtain a new monopoly with regard to Internet access which is wholly contrary to the policy of the Communications Act of 1996.

III. ISP TRAFFIC IS ENTITLED TO MUTUAL COMPENSATION TREATMENT.

As explained above, the treatment of information service traffic is being considered in the ALTS proceedings. GNAPS urges that any orders issued in the instant action defer to the ALTS proceeding.

The dispute that GNAPS and other Competitive Local Exchange Carriers ("CLECS") have with BA regarding treatment of information service traffic is as follows: BA contends that calls to ISPs do not "terminate" at the ISP's equipment, but rather terminate on the Internet and therefore BA does not have to pay CLECS mutual compensation for calls to ISPs as it does for other local traffic. As the term is commonly employed in the telecommunications industry, however, a call placed over the public switched telecommunications network is considered to be "terminated" when it is delivered to the Telephone Exchange Service bearing the called telephone number. The call is completed at that point, regardless of the identity or status of the called party. Nothing in the applicable law or regulations create a distinction pertaining to calls placed to Telephone Exchange Service customers which happen to be ISPs. The fact that BA charges its own customers local calling rates for placing calls to ISPs confirms that no such distinction exists.

BA's characterization of calls delivered to ISPs as "interstate" is incorrect and irrelevant to the issue of whether BA is legally obligated to pay reciprocal compensation for such traffic. The FCC has repeatedly affirmed the rights of ISPs to employ telephone exchange services, under intrastate tariffs, to connect to the public switched telecommunications network.

See In the Matter of Access Charge Reform, First Report and Order, CC Docket No. 96-262 (rel. May 17, 1997) Para. 344-348. Thus, to the extent that a CLEC may from time to time provide telephone exchange services to ISPs, the provision of such services to such entities is wholly proper and fully within the scope of existing law and regulation. The mere fact that an ISP may enable a caller to access the Internet does not alter the legal status of the connection between the customer and the ISP as being a local call. The local call to the telephone exchange service of an ISP is a separate and distinguishable transmission from any subsequent Internet connection enabled by the ISP.

The FCC's recent Report and Order on Universal Service and First Report and Order on Access Charge Reform affirm this fact. In the Universal Service Order, the FCC determined that Internet access consists of severable components: the connection to the Internet service provider via voice grade access to the public switched network, and the information service subsequently provided by the ISP. In other words, the first component is a simple local exchange telephone call. Such a call is eligible for reciprocal compensation. In addition, while all providers of interstate telecommunications services must contribute to the Universal Service Fund, the FCC explicitly excludes ISPs from the obligation. In the Access Charge Reform Order, the FCC declined to allow LECs to assess interstate access charges on ISPs. *See In the Matter of Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45 (released May 8, 1997) ("Universal Service Order"). No. 96-*In the Matter of Access Charge Reform*, First Report and Order, CC Docket No. 96-262 (released May 17, 1997) ("Access Charge Reform Order").

The fact that BA charges its own customers local rates for traffic to ISPs, and classifies

such traffic as local for purposes of interstate separations, is strong evidence that BA in fact considers such traffic to be local in nature and therefore eligible for reciprocal compensation. The totally untenable nature of BA's position is underscored by the fact that if such traffic were deemed interstate rather than local, BA would violate Section 271 of the Federal Act prohibiting the provision of interLATA service by an RBOC every time a BA customer connected with BA's own Internet service provider. Undoubtedly, BA cannot intend for this result to occur.

BA's position would also have severe anticompetitive implications. Any carrier terminating calls to an ISP incurs costs in terminating such calls (which are the same costs incurred in terminating calls to any other end user). Since BA controls most of the originating traffic within its territory, its newly announced position would force CLECs to terminate these calls without compensation. The inevitable result would be that no CLEC would be willing to furnish service to an ISP, since providing that service would result in immense, uncompensated termination costs. This would leave BA with a defacto monopoly over ISP end users, a state of affairs that was clearly not intended by Section 271 and other provisions of the 1996 Act.

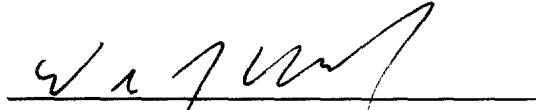
Further aggravating this anticompetitive effect, BA is now offering its own Internet access service to consumers and by this petition seeks to develop newer high speed broadband services free of pricing unbundling and separation restrictions and specifically free of mandatory access by competitors. By gaining monopoly power over local exchange service to ISPs and increasing their costs for network access, BA will be in a position to drive competing ISPs out of the local market, thereby leaving BA with a defacto monopoly over access to the Internet as well.

III CONCLUSION

BA should be permitted to provide high speed broadband services without regard to

present LATA boundaries and this should be treated in the same manner as all other unbundled network elements with mandatory access by competitors on a discounted wholesale basis but no rulings should be made in this proceeding impacting upon whether information service traffic may be treated differently than other local traffic as this issue is presently pending before the F.C.C. in the ALTS proceeding.

Global NAPs, Inc. by its attorney

A handwritten signature in dark ink, appearing to read 'W. J. Rooney, Jr.', is written over a horizontal line.

William J. Rooney, Jr.
Ten Winthrop Square
Boston, MA 02110
(617) 350-0100